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N THE UNITED STATES PATENT AND TRADEMARK OFFICE

1624 IFW

Applicants: Russell R. Ferlita, et al.

Serial No. 10/585,603

Filed: July 11, 2006

For: NOVEL CRYSTALLINE SALTS OF A DIPEPTIDYL

PEPTIDASE-IV INHIBITOR

Art Unit: To Be Assigned

Examiner: To Be Assigned

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- 4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Panela Spalding Date 9-29-06

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INFORMATION DISCLOSURE STATEMENT

Suant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited

by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120

are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

| | RELATED APPLICATION | | | | |
|---------------------|---------------------|------------|--|--|--|
| U. S. SERIAL NUMBER | FILING DATE | MERCK CASE | | | |
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If this is inconvenient, additional copies will be submitted upon request

| | 6. In accordance with 37 C.F.R. 1.97, (check one) |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| \checkmark | the attached information is filed within three months of the filing date of the captioned case. |
| | the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits. |
| | the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114. |
| | the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p). |
| | each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. |
| | each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement. |
| | no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement. |
| | Respectfully, submitted, |

By: Philippe L. Durette

Attorney For Applicant(s)

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Date: September 29, 2006

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| (| Substitute for form 1449A/PTO | | COMPLETE IF KNOWN | | | |
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| | INFORMATION DISCLOSURE | | | CLOSURE | Application Number | 10/585,603 |
| 16 | STATEMENT BY APPLICANT | | | DI ICANT | Filing Date | July 11, 2006 |
| / T | | | | PLICANI | First Named Inventor | Russell R. Ferlita, et al. |
| | 00 0 2 2006 who have as many sheets as necessary) | | | | Group Art Unit | To Be Assigned |
| 13,7 | | | | | Examiner Name | To Be Assigned |
| The state of the s | Sheet | 1 | of | 1 | Attorney Docket Number | 21581YP |

| U.S. PATENT DOCUMENTS | | | | | | | |
|-----------------------|-------------|-----------------------------|----------------------------|-------------------------------------------------|--------------------------------------------------------|--|--|
| Examiner Initials* | Cite No. | U.S. Patent Document Number | Kind Code (if known) | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | | |
| | 1 | US 6,699, 871 B2 | | Edmondson, et al. | 03/02/2004 | | |
| | 2 | US 2005/0032804 A1 | | Cypes, et al. | 02/10/2005 | | |
| | 3 | US 2003/0100563 A1 | | Edmondson, et al. | 05/29/2003 | | |
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| | | FOREIG | N PATENT | DOCUMENTS | |
|-------------|---------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cite No. | | Foreign Patent Document | | Name of Patentas or Amaligant | Date of Publication of |
| | Office | Number | Code | of Cited Document | Cited Document MM-DD-YYYY |
| 1 | PCT | WO 2005/003135 A1 | | Merck & Co., Inc | 01/13/2005 |
| 2 | PCT | WO 2005/020920 A2/ A3 | | Merck & Co., Inc | 03/10/2005 |
| 3 | РСТ | WO 2005/030127 A2/ A3 | | Merck & Co., Inc | 04/07/2005 |
| 4 | РСТ | WO 2005/072530 A1 | | Merck & Co., Inc | 08/11/2005 |
| 5 | РСТ | WO 2006/033848 A1 | | Merck & Co., Inc | 03/30/2006 |
| 6 | PCT | WO 03/004498 A1 | | Merck & Co., Inc | 01/16/2003 |
| | | | | | |
| | | | | | |
| | | | - 171 | | |
| | No. 1 2 3 4 5 | No. Office 1 PCT 2 PCT 3 PCT 4 PCT 5 PCT | Foreign Patent Document | Foreign Patent Document Cite No. Office Number Code (if known) | Cite No. Number Kind Code (if known) Name of Patentee or Applicant of Cited Document 1 PCT WO 2005/003135 A1 Merck & Co., Inc 2 PCT WO 2005/020920 A2/ A3 Merck & Co., Inc 3 PCT WO 2005/030127 A2/ A3 Merck & Co., Inc 4 PCT WO 2005/072530 A1 Merck & Co., Inc 5 PCT WO 2006/033848 A1 Merck & Co., Inc |

| Examiner Signature | /Jeffrey Murray/ | Date Considered | 03/09/2009 |
|-----------------------|------------------|--------------------|------------|
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